

### **REMARKS**

Favorable reconsideration of this application in light of the following remarks is respectfully requested. No claims have been cancelled, amended or added. Applicants respectfully submit that claims 1-6 remain properly under consideration in this application.

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the USPTO, the drawings filed with this application have been accepted and the references included in the Information Disclosure Statement filed June 2, 2005 have been considered by the Examiner.

### **DISCUSSION OF PRIOR ART**

In conventional condition access systems, a content or data may be accessed by subscription or by pay per view essentially. Usually, the content is encrypted by at least one control word. The control words are typically received in Entitlement Control Messages (ECM) containing access conditions. The ECM is decrypted in a security module (e.g. a smart card). The control words are returned from the security module to the decoder only if the access conditions contained in the ECM are fulfilled. Usually, the access conditions are fulfilled if the end user device has received access rights contained in entitlement management messages (EMM).

In conventional devices and systems, the access conditions contained in ECM are usually quite simple. These access conditions could be, for example, to enable access to a content of a specific channel if the rights for said channel are present at the user's receiver. More complex access conditions cannot be implemented in the known systems, for example, to offer promotions or to use conditions which have not been allowed in the subscription.

### **DISCUSSION OF EXAMPLE EMBODIMENT**

A non-limiting example embodiment is described to assist the Examiner in understanding the function of the present application and the differences between the present application and cited references. Applicants submit that this description is only to assist the Examiner's understanding and should not limit any of claims 1-6. Instead, each claim should be interpreted solely based upon the limitations presented therein.

A feature of an example embodiment is to manage the display of available events when the access conditions are complex. Such a complex condition may be, for example, enabling access to a specific content if the user has the rights for this specific content, and for the channel on which this specific content is broadcast or if it's the birthday of the registered subscriber.

In order to implement this feature the system may use an ECM in which a specific block, for example, a conditional package, is added. This block may contain complex access conditions which may be written in a structured language.

### **Rejections under 35 U.S.C. § 102**

Claims 1 and 3-6 stand rejected under 35 U.S.C. § 102(b) as anticipated by Shen-Orr et al.'s U.S. Publication No. 2002/0114465 ("Shen"). The Applicants respectfully traverse this rejection for the reasons detailed below.

According to Shen, the encrypted content can be accessed with a conventional ECM provided certain conditions are fulfilled. The ECM contains a key (control word) enabling the access to at least a part of the content. However, a more permanent key can be sent to specific users, this more permanent key being sent in a Personal ECM (PECM). This PECM replaces one or more ECM. Therefore, the PECM of Shen is not contained in a conventional ECM. The

PECM does not contain complex content access conditions and is not common to a plurality of users, but is personal and specific to a user.

Shen discloses a system and method for secure delivery of digital content. Shen states the ECM more preferably contains both the unique ID (identifier) for a paid content and a CA service identifier for the group which is allowed to receive this paid content.<sup>1</sup> Shen fails to mention using an ECM to display available events.

Unlike as asserted by the Examiner, Shen does not disclose a method of managing the display of event specifications. Accordingly, Shen fails to mention sending data forming an electronic program guide. Assuming *arguendo* the ECM of Shen is similar to the data for forming the electronic program guide (which Applicants do not admit); this would mean that this ECM of Shen is used to display the events which will be broadcast. Shen mentions throughout the description that the ECM is provided for accessing the encrypted data.

According to the Examiner the conditional block of the ECM, recited in claim 1, is equivalent to the program mentioned in paragraph [0028] of Shen and therefore the Examiner believes Shen anticipates, “wherein the access condition contained in the condition block is expressed in the form of an operation described by a request in a structured language,” as recited in claim 1. In paragraph [0028], Shen states “For the present invention, a software application could be written in any suitable programming language....” Applicants respectfully submit that paragraph [0028] of Shen teaches of programming languages suitable for the computational devices in the invention and Shen does not teach or disclose, “wherein the access condition contained in the condition block is expressed in the form of an operation described by a request in a structured language,” (Emphasis Added) as recited by claim 1.

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<sup>1</sup> Shen, paragraph [0093]

Claims 3-6 are also allowable at least by virtue of their dependency from independent claim 1. Therefore, Applicants respectfully request the Examiner withdraw the rejection under 35 U.S.C. § 102.

**Rejections under 35 U.S.C. § 103**

Claim 2 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Shen. The Applicants respectfully traverse this rejection for the reasons detailed below.

Claim 2 is also allowable over Shen at least by virtue of its dependency from independent claim 1. Therefore, Applicants respectfully request the Examiner withdraw the rejection under 35 U.S.C. § 103.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-6 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a two (2) months extension of time for filing a reply to the outstanding Office Action and submit the required \$460.00 extension fee herewith.

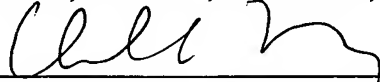
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

  
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